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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,301	08/10/2001	Dan Kikinis	P5064	7434
24739	7590	02/24/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			PHILPOTT, JUSTIN M	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,301	Applicant(s) KIKINIS, DAN 	
	Examiner Justin M Philpott	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on January 6, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
 - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) request reinstatement of the appeal.
3. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).
4. Applicant's arguments, see pages 8-11 of the Appeal Brief, filed January 6, 2005, with respect to the rejection of claims 16-27 under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,560,329 to Draginich et al.

Claim Rejections - 35 USC § 103

Art Unit: 2665

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,560,329 to Draginich et al.

Regarding claims 16 and 22, Draginich teaches a system and method for routing a communication event in a call center (e.g., call distribution system 10, see FIGS. 1, 2 and 5) having routing provided by a CTI server (e.g., call server 22; see col. 1, lines 1-67 regarding CTI), the event initiated by an originator at a computerized workstation (e.g., client device 27-29) outside the call center (e.g., call distribution system 10), comprising: a software-enabled SIP mechanism (e.g., see col. 1, lines 65-67 and col. 4, lines 24-34 regarding interactive session with a caller; see col. 4, lines 1-3 regarding signaling from devices according to SIP; and see col. 4, lines 19-21 regarding calls being in the form of electronic mail messages which implicitly requires a software-enabled mechanism on the transmitting device) operable on the workstation by the originator to prepare and send an SIP-protocol routing request along with an event initiation (e.g., see col. 3, line 48 – col. 5, line 13, and specifically col. 4, lines 1-15 regarding network 15 transmitting SIP signaling comprising intrinsic call data from devices 27-29, wherein the call data implicitly includes event initiation in the form of audio-video calls, electronic mail messages, etc., see col. 4, lines 19-21; and call data implicitly includes routing request by “provid[ing] a capability to route each call”, see col. 4, lines 11-12); and a software enabled reformatting mechanism (e.g., routing controller 20) in the call center (e.g., call distribution

Art Unit: 2665

system 10) receiving and processing the SIP-protocol routing request (e.g., comprising call data, see col. 4, lines 36-45); characterized in that the reformatting mechanism (e.g., routing controller 20) sends a resulting request (e.g., processing directive 66, see col. 6, line 65 – col. 7, line 19 regarding routing controller 20 receiving the call data and processing the call by sending a processing directive 66) to the CTI server (e.g., call server 22) for processing and response (e.g., see col. 7, lines 1-4 regarding call server 22 then undertaking telephony signaling), and the CTI server (e.g., call server 22) determines and returns a routing for the communication event (e.g., by directing PBX to route the call, see col. 7, lines 24-27, and returning an acknowledgement to the routing controller 20, see col. 7, lines 29-31).

While Draginich may not specifically disclose SIP-to-non-SIP conversion is performed specifically within the routing controller 20, such conversion is implicitly performed in either routing controller 20 or call server 22, since the call server 22 then communicates with different telephony protocols according to a particular protocol of a coupled PBX 42 or Centrex 102, both of which are coupled to the routing controller 20 (e.g., see col. 8, lines 16-61 and FIG. 5). Thus, in Draginich, SIP-to-non-SIP conversion is either implicitly performed within routing controller 20, or in the alternative, must be performed in the call server 22. In the latter case, it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to shift the location of protocol conversion from the call server 22 (within call distribution system 10) to the routing controller 20 (also within call distribution system 10) since it is generally considered to be within the ordinary skill in the art to shift the location of

Art Unit: 2665

parts absent a showing of unexpected results. The contention of obvious choice in design can be overcome if Applicant establishes unexpected results. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claims 17, 18, 23 and 24, Draginich teaches the communication event arrives at the call center (e.g., call distribution system 10) from a data packet network comprising the Internet network (e.g., see col. 3, lines 61-64).

Regarding claims 19 and 25, Draginich teaches the Internet network further connects to a LAN network (e.g., see col. 3, line 64 – col. 4, line 1 regarding network 15 comprising a combination of networks including a private network, inherently comprising a LAN).

Regarding claims 20 and 26, Draginich teaches the CTI server (e.g., call server 22) controls routing within the call center (e.g., see col. 4, lines 25-35).

Regarding claims 21 and 27, Draginich teaches the communication events are received from clients (e.g., via client device 27-29) of the call center (e.g., call distribution system 10) and routed to agents (e.g., agent stations 11-14) or automated systems (e.g., automated unit) at work within the center (e.g., see col. 6, lines 36-45).

Conclusion

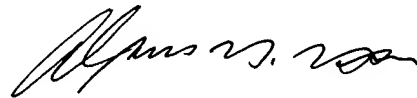
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin M Philpott



ALPUS H. HSU
PRIMARY EXAMINER